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· **OFFICE OF PETITIONS**

In re Application of

John N. Glover

Application No. 09/320,950

Filed: May 27, 1999

Attorney Docket No. 20781.004

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 2003, to revive the above-identified application.

The petition is **GRANTED**.

Petitioner submitted a Continued Prosecution Application (CPA) as a reply to the outstanding office action on July 2, 2003. 37 CFR 1.53(d)(1) was amended to provide that the prior application of a CPA must be: (1) a utility or plant application that was filed under 35 U.S.C. 111(a) before May 29, 2000, (2) a design application, or (3) the national stage of an international application that was filed under 35 U.S.C. 363 before May 29, 2000. *See Changes to Application Examination and Provisional Application Practice*, final rule: 65 *Fed. Reg.* 50092 (August 16, 2000), 1238 *Off. Gaz. Pat. Office* 13 (September 5, 2000); interim rule: 65 *Fed. Reg.* 14865, 14872 (March 20, 2000), 1233 *Off. Gaz. Pat. Office* 47, 52 (April 11, 2000). Applicant submitted an earlier CPA on January 22, 2001. Accordingly, a CPA of this application is not permitted under 37 CFR 1.53(d)(1) and the improper request for a CPA is being treated as a request for continued examination (RCE) under 37 CFR 1.114 as petitioner has requested in the instant petition. See *id.* at 14866, 1233 *Off. Gaz. Pat. Office* at 48. In view thereof, the amendment filed November 10, 2003 will be considered as the submission required by 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

The application file is being forwarded to Technology Center 1700 processing of the RCE.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
 for Patent Examination Policy